

Assembly Bill No. 2238

Passed the Assembly July 1, 2004

Chief Clerk of the Assembly

Passed the Senate June 24, 2004

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2004, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Section 1299.12 of, and to add Section 1299.14 to, the Penal Code, relating to bail.

LEGISLATIVE COUNSEL'S DIGEST

AB 2238, Spitzer. Bail Fugitive Recovery Persons Act.

Existing law, the Bail Fugitive Recovery Persons Act, authorizes persons fitting the definition of a bail fugitive recovery person to apprehend, detain, or arrest a bail fugitive provided they meet specified requirements. A violation of any of the requirements imposed upon bail fugitive recovery persons is a misdemeanor. The act is scheduled to remain in effect only until January 1, 2005, at which time it would be repealed.

This bill would instead provide for the act to remain in effect until January 1, 2010. By continuing in existence crimes that were scheduled to be repealed, this bill would impose a state-mandated local program upon local governments.

The bill would also direct the California Research Bureau in the California State Library to conduct a study of the Bail Fugitive Recovery Act, as specified, and to submit a report thereon to the Legislature no later than January 1, 2009.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 1299.12 of the Penal Code is amended to read:

1299.12. This article shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2010, deletes or extends that date.

SEC. 2. Section 1299.14 is added to the Penal Code, to read:



1299.14. The California Research Bureau in the California State Library shall conduct a study of the structure and implementation of the Bail Fugitive Recovery Act. The bureau shall design and complete a study evaluating the training requirements and regulatory status for persons subject to the act, and whether the provisions of the act have improved the process for the recovery of fugitives from bail. In conducting the study, the bureau shall survey a representative sampling of law enforcement agencies, bail associations, and the state departments or agencies that certify the training courses. The bureau shall submit the published findings of the study to the Legislature no later than January 1, 2009.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



Approved _____, 2004

Governor

